

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GRADY JACKSON, JR.

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 06-154 Erie

MEMORANDUM ORDER

_____ Plaintiff's complaint was received by the Clerk of Court on July 13, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on July 24, 2007 [32], recommends that the Defendants' motion to dismiss Plaintiff's amended complaint or, in the alternative, motion for summary judgment [14], be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at FCI McKean, where he is incarcerated, and on the Defendant. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 25th day of September, 2007;

IT IS HEREBY ORDERED that the Defendants' motion to dismiss Plaintiff's amended complaint or, in the alternative, motion for summary judgment [14] be and hereby is GRANTED and the case is DISMISSED.

The report and recommendation of Chief Magistrate Judge Baxter, dated July 24, 2007 [32], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter